

City Council Introduction: **Monday**, February 12, 2001
Public Hearing: **Monday**, February 26, 2001, at **5:30 p.m.**

Bill No. 01R-42

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1876**, requested by Hartland Homes, Inc., for an Early Childhood Care Facility for 110 children, with request to waive the requirement that access be to an arterial street and to waive the design standards to allow the required building elevation to be provided at the time of building permit, on property generally located west of 84th Street and north of Old Cheney Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/18/00
Administrative Action: 10/18/00

RECOMMENDATION: Conditional Approval (9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes').

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUESTS: Change of Zone No. 3288 (01-26); Special Permit No. 1313A (01R-41); Change of Zone No. 3272 (01-25); and Preliminary Plat No. 00021, Hartland Homes East 1st Addition (01R-43).

FINDINGS OF FACT:

1. This Special Permit is associated with Change of Zone No. 3288 (text amendment), Change of Zone No. 3272, Special Permit No. 1313A and Preliminary Plat No. 00021, Hartland Homes East 1st Addition.
2. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.2-3, concluding that the proposed early childhood care facility is appropriate for this location. The waiver of access to the arterial street is acceptable and is typical to waivers granted to many other facilities next to an arterial street. The main traffic impact of the center will be away from the majority of the neighborhood. The conversion plan proposes a building footprint of 8,800 square feet to convert to a single family, two family, group home or domestic shelter. The building footprint may be appropriate for a domestic shelter or group home, but is out of character with the proposed single family homes which might typically have a building footprint of 1,000 to 2,500 square feet. To meet the design standards which require the child care center to be "compatible with the surrounding residential area ... (and) building size in relation to adjacent or future residences" the footprint should be revised to 5,000 square feet. This provides a footprint of 2,500 square feet per side of a duplex and is more compatible with the proposed dwellings. The applicant will be able to construct a building of 8,800 or more square feet to accommodate 110 children by having a two-story building. The site slopes down to the north and may be able to be built as a one-story with walkout basement.
3. The applicant's testimony is found on p.6.
4. There was no testimony in opposition.
5. On October 18, 2000, the Planning Commission voted 9-0 to agree with the staff recommendation of conditional approval, as set forth in the staff report dated October 5, 2000. The conditions of approval are found on p.4-5.
6. The Site Specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan is attached (p.12).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 5, 2001

REVIEWED BY: _____

DATE: February 5, 2001

REFERENCE NUMBER: FS\CC\FSSP1876

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Special Permit #1876
Hartland Homes East 1st Addition Child Care Center

Date: October 5, 2000

PROPOSAL: Special Permit #1876 for and Early Childhood Care Facility for 110 children at the corner of 84th Street and proposed Wendell Way with a waiver of the requirement that access be to an arterial street and a waiver of design standards so that the required building elevation may be provided at time of building permit.

GENERAL INFORMATION:

OWNER: Hartland Homes, Inc.
DEVELOPER P. O. Box 22787
Lincoln, NE 68522

LOCATION: Generally west of 84th Street and north of Old Cheney Road.

LEGAL DESCRIPTION: A portion of Lot 67 Irregular Tracts in the southeast quarter of Section 10, Township 9 North, Range 7 East of the 6th P. M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: AG Agricultural

SIZE: 0.7 acres more or less

EXISTING LAND USE: Mostly undeveloped land.

SURROUNDING LAND USE AND ZONING: To the north, east and west the zoning is R-3 Residential and is in the process of developing with a mix of single family and single family attached homes . To the south is Lincoln Christian School which is also zoned R-3 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS: The 1994 Lincoln/ Lancaster County Comprehensive Plan designates this area as Urban Residential with an area along Antelope Creek designated as Parks and Open Space. The property at Glynoaks Drive and S. 84th Street, which will remain an outlot in the proposed plat, is designated as an Urban Village in the Plan.

HISTORY: The property was converted from A-1 Single Family Dwelling and A-A Rural and Public Use to R-3 Residential and AG Agricultural in the 1979 zoning update. The property is currently within the Corporate Limits of Lincoln. Portions were annexed in 1996, 1998 and 1999.

ANALYSIS:

1. The Public Works and Utilities Department and Health Department did not have any objections to the plan.
2. A strategy of the Comprehensive Plan states:
"An adequate amount of child care, including pre-school and before and after school care, should be located, to the greatest extent possible, in direct proximity to, or adjacent or directly across the street from, elementary schools, churches and parks." (Page 45)

3. This application is approximately ½ mile from Maxey Elementary School. It is adjacent to a future bike trail which will lead to a new neighborhood park approximately 1/4 mile away.
4. The following are examples of recent child care facilities in residential zoning districts with over 30 children:

TABLE 1

Special Permit			Arterial Access	
#	Project	Children	Waiver	Conversion Plan
1753A,	14 th & Pine Lake	150	Yes	Apartments
1726A,	W. A & W. 16 th	150	Yes	Apartments
1828,	24 th & Fletcher	120	Yes	Elderly housing
1820,	24 th & Dodge	118	Yes	Elderly housing
788E,	LMEF	96	Yes	Medical Campus
1851,	4720 J Street	63	Yes	Duplex
1743,	Timber Ridge	50	Yes	Duplex
1584,	Coddington & W. A.	50	Yes	Duplex

5. **Arterial Access Waiver:** Section 27.63.070 (c) “Permitted Special Use: Early Childhood Care Facilities” requires that facilities with 31 or more children be located on an arterial street. The facility is adjacent to 84th Street which is an arterial, but it will take access from the new residential street. As shown by the Table 1 above, this requirement is typically waived when the project is next to an arterial street, even if it doesn’t take access to the arterial.
6. This application meets the intent of the zoning ordinance regarding its location on an arterial. The intent of the ordinance was to discourage child center traffic from circulating throughout the entire neighborhood. That intent is met with this application.
7. **Conversion Plan:** The March 29, 1995 “Final Report of the Child Care Land Use Task Force” recommended that “large facilities should be designed to blend in with the neighborhood” and “the building should be limited so that it can be potentially converted to a residential use allowed in the surrounding zoning.”
8. The Zoning Ordinance Design Standards for Conversion Plan Review state:

“Child care facilities shall be designed in such a way that they may be reasonably converted to a residential use by right, that is compatible with the surrounding residential area. In determining compatibility, the following items shall be used to judge if the project could be compatible; building size in relation to adjacent or future residences, physical appearance in relation to adjacent properties, future use of parking area, lot size in relation to adjacent properties and compatibility of land use.”
9. The applicant has submitted a conversion plan showing that the building could be converted to a group home or domestic shelter if it was no longer in use as a day care. It could also be converted to a single family or duplex. It does not meet the lot coverage requirements for conversion to a church.
10. As shown by Table 1, typically child care facilities with over 90 children are shown for conversion to multi-family use such as an apartment or retirement apartments. The applicant proposes a building with a footprint of 8,800 square feet.

CONCLUSION:

The proposed early childhood care facility is appropriate for this location. The waiver of access to the arterial street is acceptable and is typical to waivers granted to many other facilities next to arterial street. The main traffic impact of the center will be away from the majority of the neighborhood.

The conversion plan proposes a building footprint of 8,800 square feet to convert to a single family, two family, group home or domestic shelter. The building footprint may be appropriate for a domestic shelter or group home, but is out of character with the proposed single family homes which might typically have a building footprint of 1,000 to 2,500 square feet. To meet the design standards which require the child care center to be "compatible with the surrounding residential area ... (and) building size in relation to adjacent or future residences" the footprint should be revised to 5,000 square feet. This provides a footprint of 2,500 square feet per side of a duplex and is more compatible with the proposed dwellings. The applicant will be able to construct a building of 8,800 or more square feet to accommodate 110 children by having a two story building. The site slopes down to the north and may be able to be built as a one story with walkout basement.

STAFF RECOMMENDATION: Approval, with the following conditions:

CONDITIONS:

Site Specific:

1. This approval permits an early childhood care center with a maximum of 110 children.
 1. Prior to scheduling with the City Council, revise the site plan to show the following:
 - 1.1.1 Provide the two required street trees along S. 84th Street. Remove the screening trees from the utility easement. Identify the tree "PTA" in the landscape schedule.
 - 1.1.2 Correct the legal description. Correct the lot size.
 - 1.1.3 As required by Section 26.69.160 (d) "Signs; Special Permitted Uses" provide a sign envelope for a ground sign outside of setbacks. Revise the second sentence of note #7 to state "The location of the ground sign may be revised at time of building permit without administrative amendment."
 - 1.1.4 Revise the plan to eliminate "8,800 S.F" from the building and instead state that maximum building footprint shall be 5,000 S.F. Identify the 80 by 100 (110 minus the 10 feet due to incorrect lot width) area as a "building envelope."
 - 1.1.5 On the conversion plan: 1) add uses allowed by right, such as single family or two family dwelling units to the list of possible conversions; 2) show the future use of the parking area as required by the design standards.
 - 1.2 Prior to building permit provide a building elevation to the satisfaction of the Planning Director that includes the following:

1.2.1 The building shall be designed in such a way that it may be reasonably converted to a residential use and is compatible with the surrounding residential area, in addition to the compatibility of the building size in relation to adjacent or future residences and physical appearance in relation to adjacent properties. The building appearance shall be similar to that of a uses allowed by right: single family or two family dwelling units.

1.2.2 Mechanical equipment, including air conditioning units shall not be placed in the front yard along Wendell Way.

2. As allowed by Section 27.63.070 (g) the City Council waives the following requirement for Early Childhood Care Facilities:

2.1 Section 27.63.070 (c) that the facility be located on an arterial or collector street.

2.2 The provision of an building elevation at time of application.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

3.1 Before occupying the early childhood care facility all development and construction is to comply with the approved plans.

3.2 The facility shall comply with all state and local early childhood care requirements.

3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

3.5 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

Prepared by

Stephen Henrichsen, AICP
Planning Department

**CHANGE OF ZONE NO. 3272;
SPECIAL PERMIT NO. 1876;
and
PRELIMINARY PLAT NO. 00021,
HARTLAND HOMES EAST 1ST ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 18, 2000

Members present: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer.

Planning staff recommendation: Approval of the change of zone; conditional approval of the preliminary plat, deferral of Special Permit No. 1313A, and conditional approval of Special Permit No. 1876.

Carlson moved to defer Special Permit No. 1313A, as requested by the staff, with continued public hearing and administrative action scheduled for November 1, 2000, seconded by Duvall and carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

Proponents

1. Lyle Loth of ESP Engineers testified on behalf of **Hartland Homes, Inc.**, the developer.

Loth agreed with all conditions of approval, except #1.1.2 of the preliminary plat dealing with providing access to the 6.2 acre site at the southeast corner of the project. There is currently an application to change the zone on that site to B-2 which is pending at City Council. If this corner were to develop either commercially or as a multi-family project, this developer believes that the routing of the traffic generated by either one of those projects through a single family neighborhood would not be appropriate. The better access would be a right-in right-out intersection on either or both of 84th and Old Cheney Road. If that corner is developed commercially or as multi-family we would not provide access in either location. If it were developed as single family residential, this applicant is agreeable to providing that access. Therefore, Loth submitted proposed revision to Condition #1.1.2:

Provide a street connection to the property to the south to the satisfaction of the Planning and Public Works & Utilities Departments provided that the property to the south is developed as single-family residential. If the property is developed as commercial or multi-family, no street connection will be required.

Hunter wondered whether this developer would have to give up a lot if that corner turned out to be residential, with a cul-de-sac on one side. Loth advised that a tentative layout showed the street coming in from the north off of Wendall Way and that street would take one lot. The fact that we would be creating two corner lots would require us to lose a second lot. With single family it would be one street down the center with a cul-de-sac terminating at the south end.

If the corner that is not part of this application does not have access into this development, Schwinn wondered whether that corner will only be allowed a right-turn in right-turn out because of the proximity to 84th and Old Cheney. Steve Henrichsen of Planning staff stated that if there is no access from this subdivision, then the City would be required to provide access to that corner from 84th or from Old Cheney Road. Schwinn wondered about a break in the median there. Dennis Bartels of Public Works would not recommend any medians there. The functional plans have been approved for 84th and Old Cheney and there are no median locations shown. The commercial area only adds more traffic to both those streets and it would not be the city's recommendation to put an additional median opening there. That is why Public Works has recommended residential zoning on that corner.

Schwinn suggested that if the applicant's amendment is used, traffic would have to go back through the neighborhood to go left. Bartels agreed that to be his concern. You would end up using the neighborhood street so it is not a good situation without access.

The staff does not support the proposed amendment to Condition #1.1.2.

Public hearing was closed.

CHANGE OF ZONE NO. 3272

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 18, 2000

Duvall moved approval, seconded by Carlson and carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

PRELIMINARY PLAT NO. 00021

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 18, 2000

Carlson moved to approve the Planning staff recommendation of conditional approval, seconded by Schwinn.

Duvall moved to amend to use the applicant's proposed amendment to Condition #1.1.2. Motion failed for lack of a second.

Motion for conditional approval as set forth in the staff report dated October 10, 2000, carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

SPECIAL PERMIT NO. 1876

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

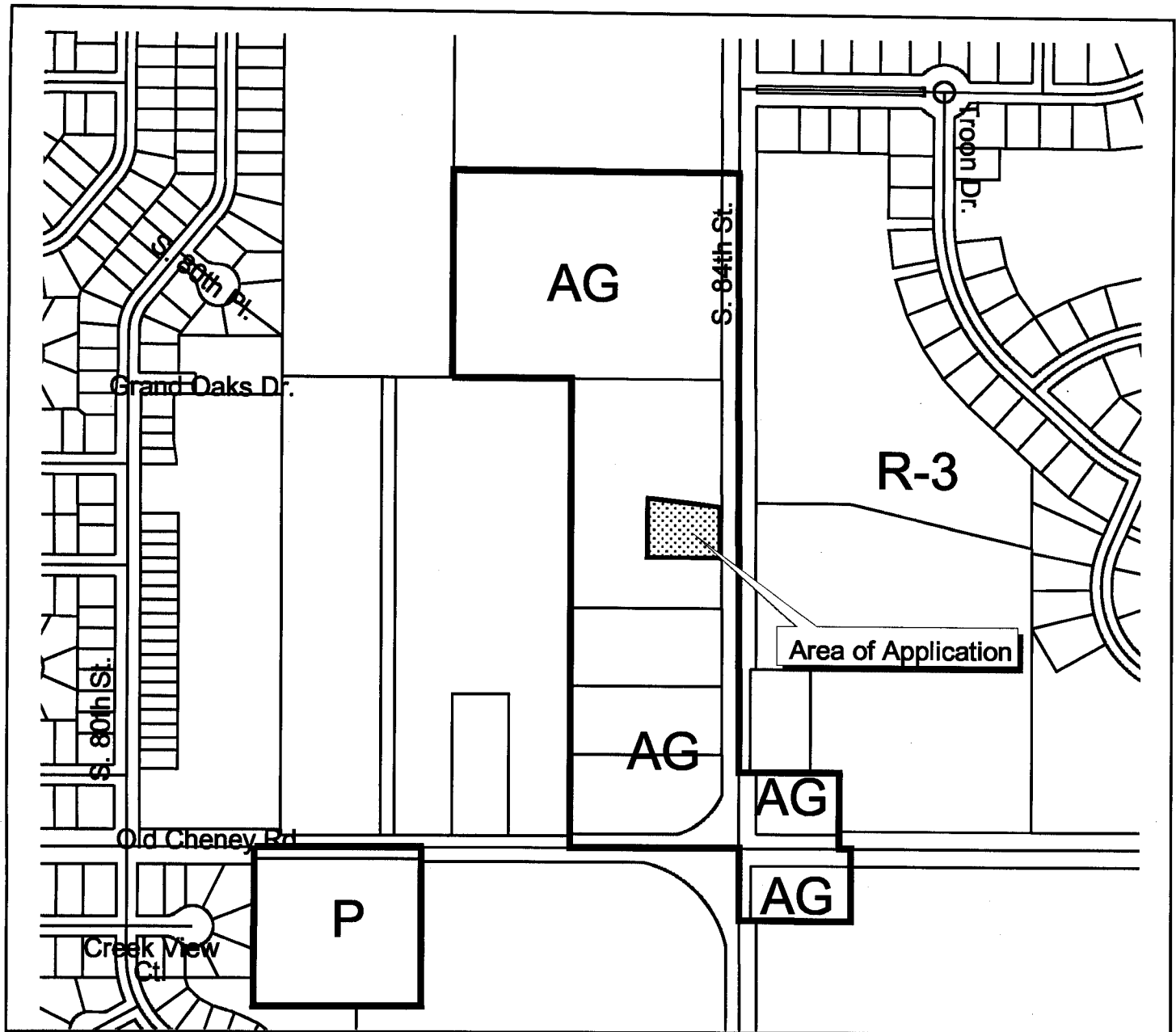
October 18, 2000

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Duvall.

Hunter had a concern about the applicant's letter which reserves the right to apply for other special permitted uses, i.e. clubs. Henrichsen explained that the applicant is merely listing the permitted

special uses of the R-3 district. Anyone has the right to apply for those uses in the R-3 district. The clubs referred to include something like the American Legion, Elks, etc.

Motion for conditional approval as set forth in the staff report dated October 5, 2000, carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

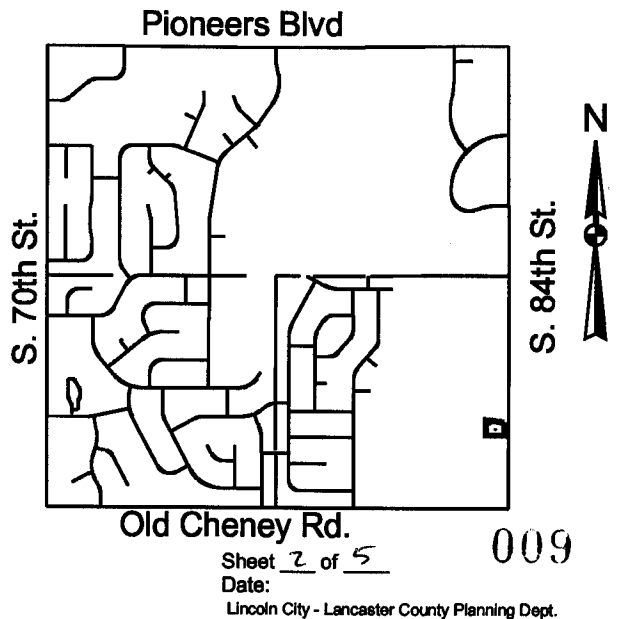
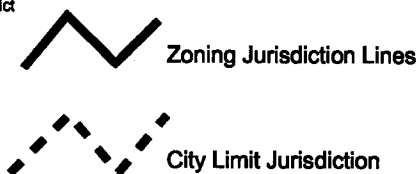


Special Permit #1876
S. 84th & Old Cheney Rd.
Early Childhood Care Center

Zoning:

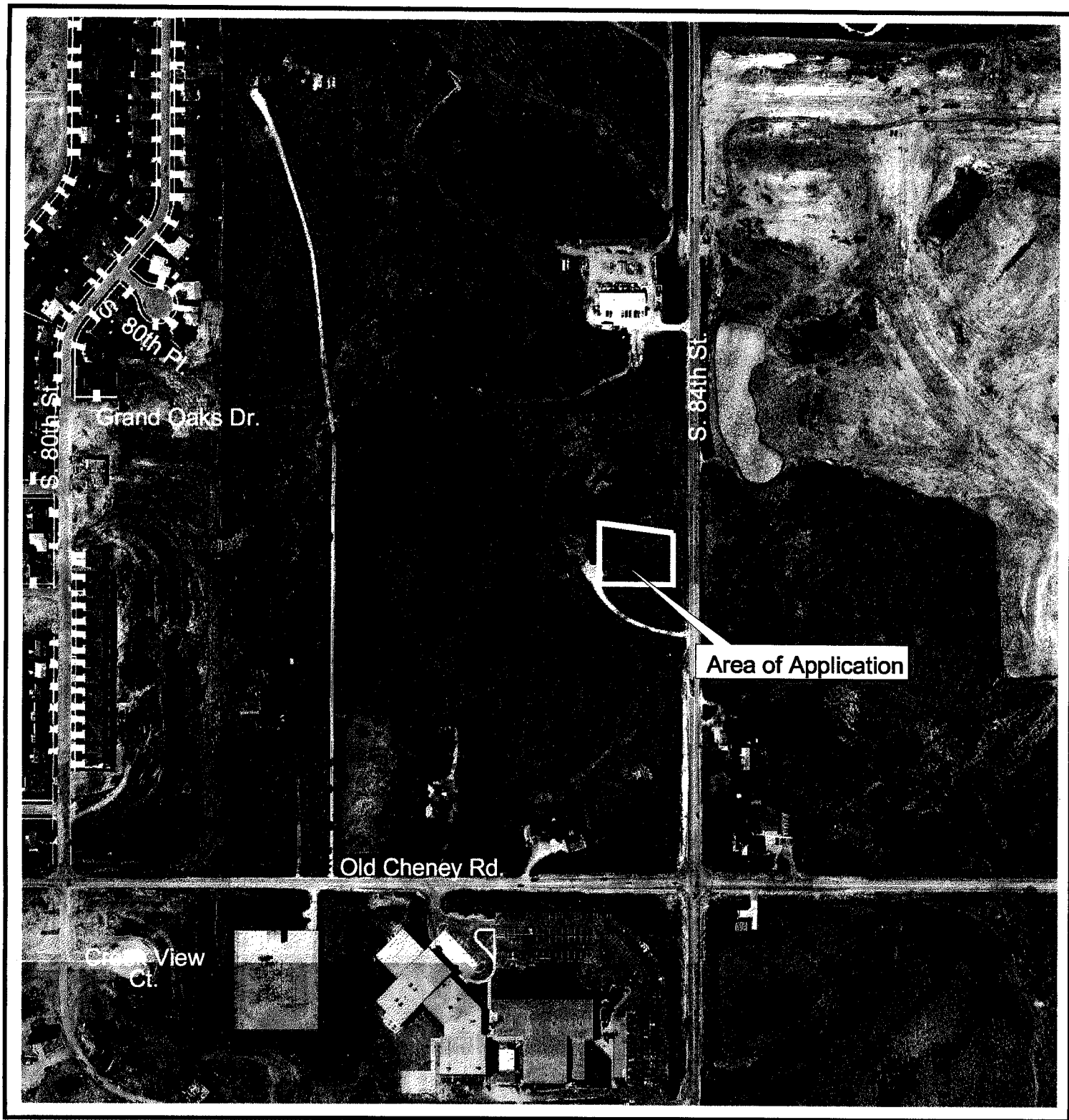
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 10 T9N R7E



Sheet 2 of 5
 Date:

Lincoln City - Lancaster County Planning Dept.



Special Permit #1876
S. 84th & Old Cheney Rd.
Early Childhood Care Center



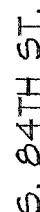
Sheet _____ of _____

Date: _____

Photograph Date: 1999

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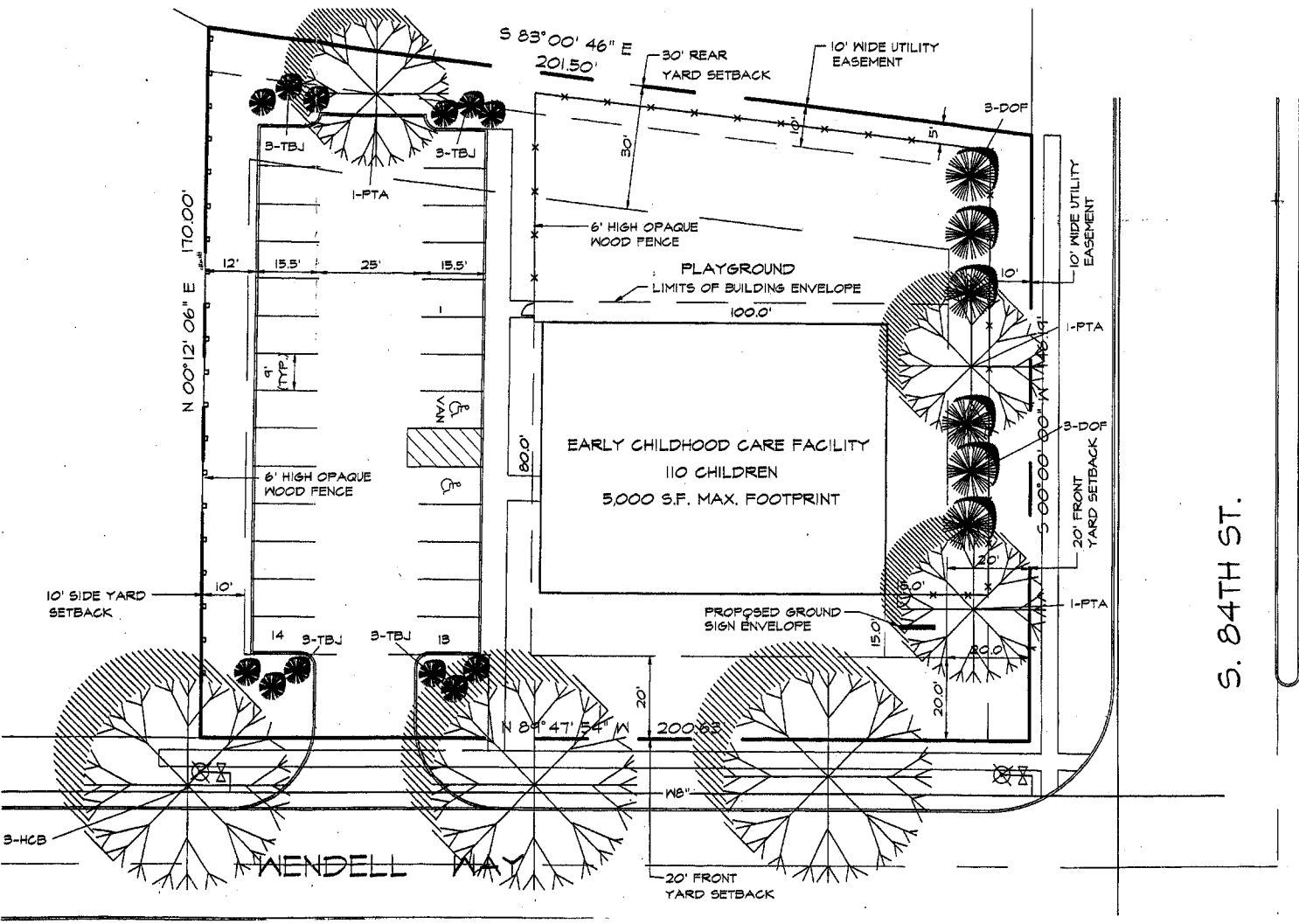
Lincoln City - Lancaster County Planning Dept.



LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

SPECIAL PERMIT #1876
CONVERSION PLAN

REVISED 011



SPECIAL PERMIT #1876
 SITE PLAN

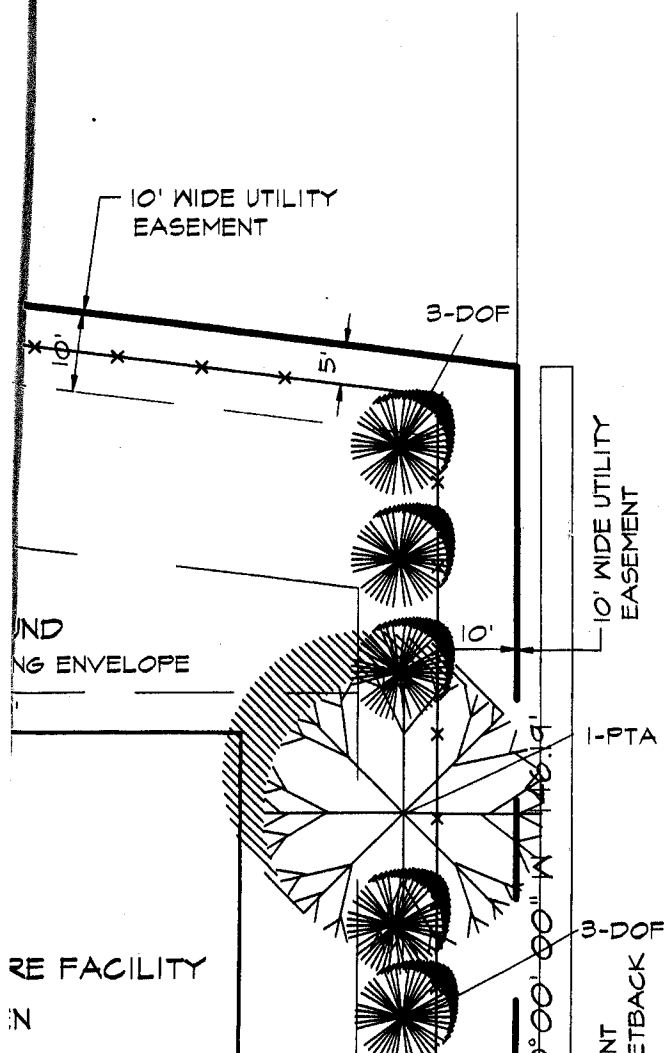
REVISED
 12/29/00 012

LEGAL DESCRIPTION: FOR SPECIAL PERMIT #1876

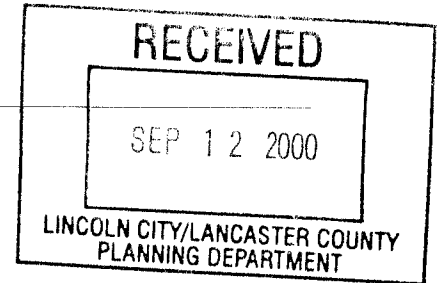
A portion of Irregular Tract 67 of the Southeast Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the Southeast Corner of Section 10, Township 9 North, Range 7 East and continuing along the East Section Line on a bearing of N 00°00'00"W, a distance of 840.10 feet, Thence N 90°00'00"W, a distance of 60.00 feet to the POINT OF BEGINNING;

Thence N 89°47'54" W, a distance of 200.63 feet; Thence Northerly on a bearing of N 00°12'06" E, a distance of 170.00 feet; Thence Southeasterly on a bearing of S 83°00'46" E, a distance of 201.53 feet; Thence on a bearing of S 00°00'00" W, a distance of 146.19 feet to the Point of Beginning and containing a calculated area of 31,674.77 Square Feet more or less.



Memorandum



To: Ray Hill, Planning Department
From: Charles W. Baker, Public Works and Utilities *BWB*
Subject: Special Permit # 1876, Early Childhood Care Facility
Date: September 12, 2000
cc: Allan Abbott, Roger Figard

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the Early Childhood Care Facility located on the NW Corner of S 84th and the future Wendell Way. Public Works has the following comments:

The parking lot layout meets design standards and the drive location has adequate separation from the 84th Street intersection.

Public Works cannot approve the site layout for grading and drainage and utility connections until a preliminary plat is reviewed.

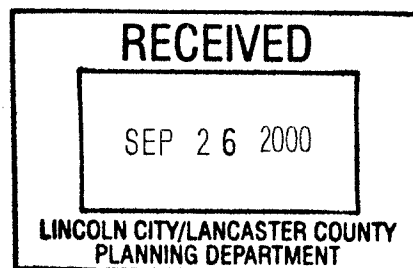
interoffice
M E M O R A N D U M

to: Ray Hill, Planning
from: Rachel Martin, Parks and Recreation
subject: Early Childhood Care Facility SP #1876
date: September 26, 2000

Parks and Recreation Department staff have reviewed the above referenced proposal and have the following comments.

- 1) It is recommended that Norway Spruce or Colorado Spruce be substituted for Douglas Fir for long term vitality of the planting.
- 2) The planting plan should identify the location of two street trees planted on private property along S. 84th Street. The recommended species is Autumn Purple Ash. The trees should be spaced approximately 50 feet apart. Please submit a revised landscape plan for approval.

Please phone me at 441-7936 with any questions or comments.



MEMORANDUM

DATE: 9-15-2000

TO: Ray Hill

FROM: Dennis Duckworth

REG: Early Childhood Care Facility

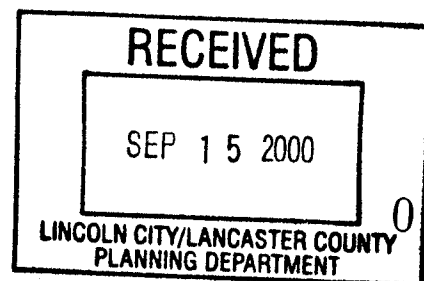
Ray:

The Police Department has no problems with the current proposal of the Early Childhood Care Facility under SP # 1876.

Thank you,



Sergeant Dennis Duckworth
Lincoln Police Department
441-7215



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LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

MEMO TO: Ray Hill
DEPARTMENT: Planning

DATE: Sept 8, 2000

FROM: Jane Storey
John E. Mines

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Administration
EH File

SUBJECT: Special Permit #1876
S 84th St & Wendell
Early Child Care Fac.

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Early Childhood Care Facility special permit request.

Child Care

The plan shows direct access to the playground from the building which meets construction requirements. Play ground safety standards should be followed in the construction of this facility.

Sewage Treatment

This property is in the city limits and must connect to the city sanitary sewer system.

Water Supply

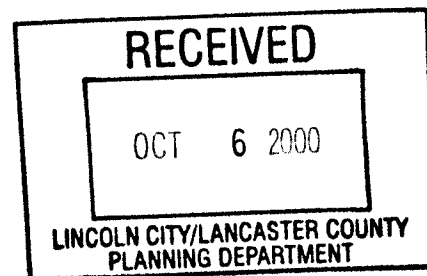
The Lincoln Water System is available and should be utilized. If a water well is planned, the well would need to meet construction requirements and the water quality tested to ensure it meets the Safe Drinking Water Act minimum standards.

Recommendations

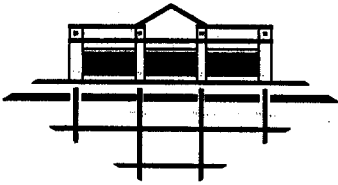
LLCHD did not identify any public or environmental health issues that would warrant denial of the proposed special permit.

If there are any questions, please contact me at 441-8025.

CCPLAN/ENV/MINER



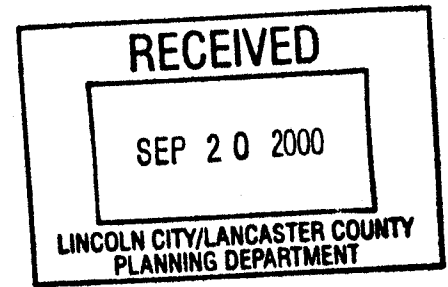
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BRIAN D. CARSTENS AND ASSOCIATES
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

September 20, 2000

Ms. Kathleen Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
Lincoln, NE 68508



RE: SPECIAL PERMIT FOR EARLY CHILDHOOD CARE FACILITY
SOUTH 84TH STREET & WENDELL WAY

Dear Kathleen,

This letter is in response to Ray Hill's recent comments regarding the previously submitted Special Permit for an Early Childhood Care Facility. This letter supercedes the original submittal letter dated September 7, 2000.

On behalf of Duane Hartman, we submit the following Special Permit for an 'early childhood care facility' located at the Northwest corner of South 84th Street and the future Wendell Way, as shown on the preliminary plat of Hartland Homes East 1st Addition.

This facility will be one story in height and contain a maximum of 8,800 square feet of building area. The number of children will not exceed 110. We are anticipating a maximum of 16 staff members on duty at any one time.

We are requesting a waivers of the Lincoln Municipal Code:

27.63.070 (a)(2) The requirement for the building plans and elevations be submitted at the time of this submittal as we have not started any preliminary building plans. However, we would suggest that the special permit require the building elevations to be approved by the Director of Planning prior to the issuance of building permits.

27.63.070 (3)(c) The requirement for the facility to be located on an arterial street and take access to the arterial street. The facility will be located on South 84th Street, a major arterial, but will take access to Wendell Way, a residential street. Since direct vehicular access is being relinquished, the only access will be from Wendell Way. This facility will be located on the first lot into the subdivision, therefore taking traffic into the subdivision via the residential street.

The 'conversion plan' for this facility could be the any of the following Permitted Conditional or Permitted Special Uses as follows:

Permitted Conditional Uses:

1. Group Home
2. Domestic Shelter

Page 2.

We reserve the right to apply for and receive approval for the following Special Permitted Uses as listed in the R-3 Zoning District as per 27.15.040 of the Lincoln Municipal Code:

Permitted Special Uses:

1. Private School
2. Recreational Facility
3. Elderly or Retirement Housing
4. Housing and related facilities for the physically handicapped
5. Churches; increased lot coverage
6. Domiciliary Care Facility
7. Neighborhood Support Services
8. Clubs

Please process this application at the same time as the Preliminary Plat for Hartland Homes East 1st Addition.

Please contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc: Duane Hartman
Lyle Loth- ESP

ENCLOSURES: 16 Copies of Sheet 1 of 1
Application for a Special Permit
6 Copies of the Conversion Plan
Letter of Consent to Special Permit